

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKKAT HOUSE PRODUCTIONS LLC DBA SURF CHICK ET AL

VS.

CASE NO: 07 CIV 9700KATHERINE CHANGDECLARATION OF REASONABLE DILIGENCE BY SPECIAL PROCESS SERVER

I, Mark Simons, having been duly authorized to make the service of the process in the above entitled case, hereby depose and say:

That I am not a party to or otherwise interested in this suit.

That my age and date of birth are as follows: 46, 4/4/1961.

That my business address is: 808 L STREET SE, WASHINGTON, DC 20002.

That at I was unable to serve the within named DEFENDANT KATHERINE CHANG on February 19, 2008 at 4:35 PM at DEFENDANT'S address of record: US Patent and Trademark Office Concourse Level, 600 Dulany St, Madison E, Room C55, Alexandria, VA 22314 and have returned unexecuted the Summons and Amended Verified Complaint; that on March 3, 2008 at 11:53 AM, I returned this process unexecuted for the following reason(s):

On 2/19/08 at 4:38 pm I attempted to serve the Summons on the defendant at her place of employment; US Patent and Trademark Office Concourse Level, 600 Dulany St, Madison E, Room C55, Alexandria, VA 22314. I was informed by the security officer that I could not enter the building to serve process because it was a Federal facility and there rules would not permit service of process in the building. A superior security officer was called and stated to me that the defendant could be called and have the option of coming down to the lobby area and accepting the Summons. At this time the defendant was called and answered the call from the security officer. She stated that she would not come to the lobby to accept the Summons and would not make arrangements to accept service at any other time. At this time I departed the building and terminated efforts for the day.

Attempts to serve this process were made as follows:

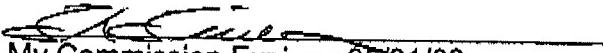
2/8/08 1:10 pm; 2/12/08 2:35 pm; 2/19/08 4:35 pm

I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.

  
 MARK SIMONS

Commonwealth of Virginia, County of Fairfax

Subscribed and sworn to before me this  
7<sup>th</sup> day of MARCH, 2008.

  
 My Commission Expires: 05/31/09  
 Reg. #105386

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Kat House Productions LLC dba Surf Chick et al  
 Plaintiff(s)

vs

Case Number: 07 CIV 9700

Katherine Chang  
 Defendant(s)

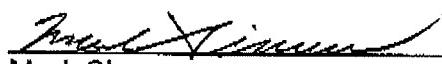
**AFFIDAVIT OF SERVICE**

I, Mark Simons, hereby certify that on March 18, 2008 at 12:37 PM, I executed service of process upon **MARY HAHN, HUMAN RESOURCE GENERALIST, AUTHORIZED TO ACCEPT SERVICE OF KATHERINE CHANG AT US PATENT AND TRADEMARK OFFICE** Concourse Level, 600 Dulaney St, Madison E, Room C55, Alexandria, VA 22314, by delivering to and leaving with personally, copies of Summons and Amended Verified Complaint.

Mary Hahn is described as a White Female, approximately 5' 7" tall, 180-190 pounds, Blue eyes, Brown hair, and 28 years of age. The undersigned further certifies that my place of business is: 808 L Street SE, Suite B, Washington, DC 20003-3629; that I am 46 years of age, Date of Birth 4/4/1961; and that I am not a party to this action.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing information is true and correct. Executed on March 19, 2008.

Date March 19, 2008.

  
 Mark Simons

Commonwealth of Virginia, County of Fairfax  
 Subscribed and sworn to before me on March 19, 2008.

  
 My Commission Expires: 05/31/09  
 Reg. #105386

Ref.# 80538

KAT HOUSE PRODUCTIONS, LLC D/B/A SURF CHICK, ETAL

- against -

Plaintiff(s)

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PAUL HASTINGS JANOFSKY & WALKER, LLP, ETAL

Purchased November 1, 2007

Defendant(s)

Mail Date March 26, 2008

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JONATHAN GRABER BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on March 26, 2008 at a regular depository maintained by the United States Post Office deponent mailed a copy of the SUMMONS & AMENDED VERIFIED COMPLAINT to KATHERINE CHANG at

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK ASSISTANCE CENTER  
MADISON EAST, CONCOURSE LEVEL  
ROOM C55  
600 DULANEY STREET  
ALEXANDRIA, VA 22314

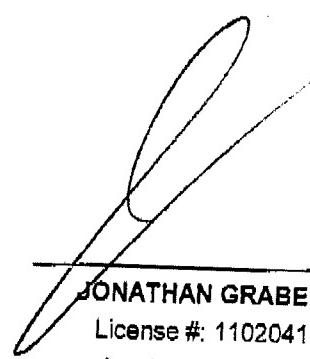
Copy was mailed REGULAR FIRST CLASS MAIL, and was marked personal & confidential and not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

Sworn to me on: March 26, 2008

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4899723  
Qualified In New York County  
Expires February 10, 2010

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2010

  
JONATHAN GRABER  
License #: 1102041  
Invoice #: 456304

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728